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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RUSSELL E. BURNS, et al., as Trustees of the
OPERATING ENGINEERS' HEALTH AND
WELFARE TRUST FUND, et al.,

Plaintiffs,

v.

R.C. KNAPP, INC., et al.,

Defendants.

Case No.: C13-5209 CW

**PLAINTIFFS' REQUEST FOR
CONTINUANCE OF CASE
MANAGEMENT CONFERENCE; and
ORDER THEREON**

Date: Wednesday, February 5, 2014

Time: 2:00 p.m.

Ctrm: 2, 4th Floor

1301 Clay Street

Oakland, California

Judge: The Honorable Claudia Wilken

Plaintiffs respectfully request that the Case Management Conference scheduled for February 5, 2014, at 2:00 p.m., be continued for approximately forty-five (45) days, as follows:

1. As the Court's records will reflect, this action was filed on November 8, 2013 to compel Defendants R.C. KNAPP, INC., a California Corporation, and RICHARD CHRISTOPHER KNAPP, an individual (hereinafter collectively referred to as "Defendants"), to comply with the terms of its Collective Bargaining Agreement.

2. Personal service was completed on Defendant RICHARD CHRISTOPHER KNAPP on January 14, 2014. His deadline to file a responsive pleading is February 3, 2014.

3. Subservice and mailing of January 15, 2014 was completed on Defendant R.C. KNAPP, INC. on January 25, 2014. The deadline to file a responsive pleading is February 14, 2014.

1 4. As Defendants have not yet filed an appearance, there are no issues that need to be
2 addressed by this Court at the currently scheduled Case Management Conference. In the interest
3 of conserving costs as well as the Court's time and resources, Plaintiffs respectfully request that
4 the Court continue the currently scheduled Case Management Conference for approximately forty-
5 five (45) days to allow sufficient time for Defendants to file responsive pleadings to Plaintiffs'
6 complaint, or for the parties to attempt resolution of the matter.

7 5. Plaintiffs recognize that a case management conference statement is due seven days
8 in advance of the case management conference date and that the statement must include all
9 elements requested in the "Standing Order for All Judges of the Northern District of California –
10 Contents of Joint Case Management Statement" pursuant to Local Rule 16-9. Should this Court
11 require Plaintiffs to file a Case Management Conference Statement, Plaintiffs will do so promptly.

12 Dated: January 29, 2014

**SALTZMAN & JOHNSON
LAW CORPORATION**

13
14 By: _____/S/
15 Muriel B. Kaplan, Esq.
Attorneys for Plaintiffs

16 IT IS SO ORDERED.

17 Based on the foregoing, and GOOD CAUSE APPEARING, the currently set Case
18 Management Conference is hereby continued to April 2, 2014, at 2:00 p.m., and all related
19 deadlines are extended accordingly.

20 Date: 1/31/2014

21 
22 THE HONORABLE CLAUDIA WILKEN
23 UNITED STATES DISTRICT COURT
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PROOF OF SERVICE

I, the undersigned, declare:

1. I am a citizen of the United States and am employed in the County of San Francisco, State of California. My business address is 44 Montgomery Street, Suite 2110, San Francisco, California 94104.

2. I am over the age of eighteen and not a party to this action.

3. On **January 29, 2014**, I served the following document(s):

PLAINTIFFS' REQUEST FOR CONTINUANCE OF CASE MANAGEMENT

CONFERENCE; and [PROPOSED] ORDER THEREON

on the interested parties in said action by enclosing a true and exact copy of each document in a sealed envelope and placing the envelope for collection and First Class mailing following our ordinary business practices. I am readily familiar with this business' practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

4. The envelopes were addressed and mailed as follows:

**R.C. Knapp, Inc.
c/o Chris Knapp,
Agent for Service of Process
340 Parr Blvd.
Richmond, CA 94801**

**Richard Christopher Knapp
4070 Val Verde Road
Loomis, CA 94801**

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on **January 29, 2014**, at San Francisco, California.

_____/S/
Alicia Rutkowski
Paralegal